

BOARDS AND COMMISSIONS
Board of Nursing
(Amendment)

201 KAR 20:320. Standards for curriculum of prelicensure registered nurse and practical nurse programs.

RELATES TO: KRS 314.011(5), 314.021, 314.041(1)(a), 314.111(1), 314.131(1), (2), 194A.540(11), 620.020(8)

STATUTORY AUTHORITY: KRS 314.041(1)(a), 314.051(1)(a), 314.111(1), 314.131(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.041(1)(a) and 314.051(1)(a) require that an applicant for licensure as a registered or licensed practical nurse complete the basic nursing curriculum in an approved school of nursing. KRS 314.111(1) requires that schools of nursing regardless of delivery models shall meet minimum standards and be approved by the Board of Nursing. KRS 314.131(1) and (2) authorizes the board to promulgate administrative regulations necessary to approve programs of nursing. This administrative regulation establishes the curriculum requirements for prelicensure registered nurse and practical nursing programs.

Section 1. Definitions. (1) "Debriefing" means an activity that follows a simulation experience, is led by a nurse faculty as established in 201 KAR 20:310, Section 2, encourages participant's reflective thinking, and provides feedback regarding the participant's performance.

(2) "Distance learning" means didactic instruction offered by any means where the student and faculty are in separate physical locations.

(3) "External examination" means an examination, quiz, or quiz questions, not produced by the program of nursing or its faculty.

(4) "Practical nursing program" means a program of nursing organized and administered by a vocational, technical, or adult education system or an independent school at a postsecondary level that awards the graduate a diploma in practical nursing upon meeting requirements of the program.

(5[4]) "Program of nursing" means the educational unit that prepares a person for licensure as a registered or licensed practical nurse.

(6[5]) "Registered nursing program" means a program of nursing organized and administered by an institution of higher learning that awards a degree in nursing upon meeting requirements of the program.

(7[6]) "Remediation" means the process by which a student improves or corrects a knowledge deficit through external examinations, other assignments or activities, and which may result in an upward adjustment to a student's final course grade in accordance with Section 4 of this regulation.

(8[7]) "Simulation" means an activity or a technique that replicates actual or potential situations in clinical practice that allows the participant to develop or enhance critical thinking.

Section 2. General. (1) An applicant for licensure shall complete a prelicensure program of nursing that meets the requirements of this administrative regulation.

(2) Length.

(a) A registered nursing program shall be a minimum of two (2) academic years, which may include prior articulated academic credits.

(b) A practical nursing program shall be a minimum of one (1) academic year.

(3) Philosophy, mission, and outcomes. (a) The philosophy, mission, and outcomes of the program of nursing shall be clearly defined in writing by the nursing faculty and be consistent with those of the governing institution.

(b) The program outcomes shall describe the expected competencies of the graduate.

(c) The program shall conduct an evaluation to validate that identified program outcomes have been achieved and provide evidence of improvement based on an analysis of those results.

(4) Approval.

(a) A curriculum plan shall be approved by the board in accordance with this administrative regulation.

(b) The curriculum plan shall enable the student to develop the nursing knowledge, skills, and competencies for the expected entry level and scope of practice.

(c) Theory and clinical experiences shall provide the student with opportunities to acquire and demonstrate the knowledge, skills, and competencies necessary for safe practice.

(5) Curriculum plan.

(a) The development, implementation, evaluation, and revision of the curriculum shall be the responsibility of the nursing faculty including the program administrator with input from students.

(b) The curriculum of the program of nursing shall assure the development of evidence based practice for the level and scope of nursing practice. This shall include the skills to identify and apply best practices in nursing care by providing client-centered, culturally competent care and respecting client differences, values, preferences, and expressed needs.

(c) A registered nursing program may determine that a portion of the curriculum fulfills the scope of practice for licensed practical nursing and allow students to exit the program and be made eligible for the NCLEX-PN examination. The registered nursing program shall submit its plan to the board for approval.

(6) Organization of the curriculum.

(a) There shall be a written plan, including supporting rationale, which describes the organization and development of the curriculum.

(b) The curriculum plan shall reflect the philosophy, mission, and outcomes of the program.

(c) There shall be a rationale for the amount of time or credits allocated to course and clinical practice experience.

(d) A course syllabus shall be developed for each nursing course to include outcomes, planned instruction, learning activities, and method of evaluation.

1. Each course shall be implemented in accordance with the established course syllabus.

2. A copy of each course syllabus shall be on file in the program of nursing office and shall be available to the board upon request.

(e) The curriculum plan shall be logical and sequential, and shall demonstrate an increase in difficulty and complexity as the student progresses through the program.

(f) A course may be offered as a distance learning course. A distance learning course shall meet the same standards as established in 201 KAR 20:260 through 201 KAR 20:360 for any other course.

(7) Curriculum components.

(a) The curriculum of a registered nursing program or a practical nursing program shall prepare the graduate for licensure and full scope of practice as defined by current standards for nursing practice and expected competencies of graduates at the appropriate educational level.

(b) The curriculum shall include:

1. Theory and selected clinical practice experiences designed to enable students to provide nursing care to individuals throughout the life span; and

2. Information regarding Kentucky nursing laws, including scope of practice, licensure requirements, and the role of the board of nursing. This subparagraph shall be implemented by January 1, 2020.

(c) Clinical practice settings shall be appropriate for the type of nursing program and the program outcomes and enable the student to observe and practice safe nursing care of persons at each stage of the life span. Experiences shall include opportunities to learn and provide care to diverse ethnic and cultural populations.

(d) Clinical practice experience shall be supervised by board approved nursing faculty in accordance with 201 KAR 20:310.

(e) The curriculum shall have written measurable program outcomes that reflect the role of the graduate.

(f) Students shall have sufficient opportunities in simulated or clinical settings to develop psychomotor skills essential for safe, effective practice.

(8) Curriculum change.

(a) A program of nursing that is not accredited by a national nursing accrediting body shall submit a written plan for major curriculum revisions to the board a minimum of four (4) months prior to the planned implementation.

1. A request for curriculum revision shall include the present plan and the proposed change with rationale and expected outcomes.

2. The board shall be available to assist if curriculum revisions are being considered.

3. Major curriculum revisions shall include:

a. A change in the philosophy, mission, or outcomes that results in a reorganization or reconceptualization of the entire curriculum; or

b. The addition of tracks or alternative programs of study that provide educational mobility.

(b) A program of nursing that implements a curriculum change shall provide an evaluation of the outcomes of those changes through the first graduating class following full implementation of the curriculum change. The program of nursing shall also submit the evaluation with its annual report.

(9) Integrated practicum.

(a) The curriculum shall include an integrated practicum. The integrated practicum shall consist of a minimum of 120 clock hours of concentrated clinical experience of direct patient care in a health care facility or health care organization.

(b) The integrated practicum shall be completed within a period not to exceed seven (7) consecutive weeks while the governing institution is in session and within seven (7) months of graduation.

Section 3. Simulation Standards. (1)(a) A program of nursing that uses simulation shall adhere to the standards set in this section.

(b) A program of nursing shall not use simulation for more than fifty (50) percent of its total clinical hours required for graduation.

(2)(a) The program of nursing shall provide resources sufficient to support the simulation activities, including training of the faculty, and programmatic outcomes.

(b) Simulation activities shall be managed by a nurse who is academically and experientially qualified in the use of simulation, both in its pedagogical and technical aspects. The managing nurse shall demonstrate his or her qualifications by:

1. Attendance at simulation conferences;

2. Completion of educational activities related to simulation; or

3. Holding a credential issued by the Society for Simulation in Healthcare or a simulation preparation program recognized by the International Nursing Association for Clinical Simulation.

(c) The program of nursing shall have written rationale for the use and purpose of simulation within the curriculum.

(d) The program of nursing shall have an orientation plan for faculty concerning simulation.

(e) The program of nursing shall have a written procedure on the method of prebriefing and debriefing each simulated activity.

(3) The program of nursing shall have appropriate facilities for conducting simulation. This shall include educational and technological resources and equipment to meet the intended objectives of the simulation.

(4) Faculty, both didactic and clinical, that utilize simulation shall:

(a) Have training in the use of simulation; and

(b) Engage in on-going professional development in the use of simulation.

(5) The simulation activities shall be linked to the program of nursing's course objectives and the programmatic outcomes.

(6) Beginning July 1, 2019, a program of nursing shall submit evidence of compliance with these standards in the annual report required by 201 KAR 20:360, Section 3(1) of this administrative regulation.

Section 4. Use of External Examinations. (1) [An] External examinations may be used to assist in the remediation of a student or as a part of the final course grade. If used as a part of the final course grade, the combined weight of all external examinations, external quizzes and remediation shall not count for more than ten (10) percent of the final course grade [is a standardized or norm referenced examination that is designed to compare and rank test takers in relation to one another and is not produced by the program of nursing].

(2) With the exception of the impact upon progression or graduation that is allowed pursuant to subsection (1) of this section, a program of nursing shall not use an external examination to determine a student's progression or graduation.

(3) A curriculum change that includes the implementation of an external examination shall include consideration of multiple evaluation criteria, and shall not be based solely on external examination test results.

(4)(3) An external examination may be used to assist in the remediation of a student. [The examination shall not be the sole remediation strategy].

(5)(4) A program of nursing that utilizes an external examinations as [the basis for] a component of [requiring] student remediation shall ensure that completion of remediation occurs within the same semester or quarter.

(6)(5) The academic progression policy of the program of nursing and course syllabi shall clearly outline the role of [the] an external examination, including the frequency of and schedule for such testing, and the weight to be applied to results when calculating the final course grade. A course syllabus that references an external examination shall include information needed to calculate the impact of test results in any given external examination on the final course grade [in remediation]. If a course syllabus require a specific average test score on all exams as a condition for passing the course, student results on external exams shall be excluded from that calculation.

(7) With the exception of the impact upon progression or graduation that is allowed pursuant to subsection (1) of this section, and the option of requiring all students in a course to take external examinations,

~~(6)~~] a program of nursing shall not require students who have completed all requirements for graduation to earn a specific score or benchmark on an external examination as a condition for graduation or for placing the student's name on the Certified List of Kentucky Program of Nursing Graduates pursuant to 201 KAR 20:070.

Section 5. Curriculum [Statutory] Additions. (1) Each program of nursing shall include information in its curriculum that meets the requirements of KRS 194A.540 related to domestic violence and elder abuse, neglect, and exploitation.

(2) Each program of nursing shall include information about:

(a) pediatric abusive head trauma as it is defined in KRS 620.020;

(b) Suicide prevention and wellness topics listed in subsection (3) of this section by August 15, 2022; and

(c) Implicit bias topics listed in subsection (4) of this section by August 15, 2022.

(3) Suicide prevention and wellness topics shall include:

(a) Chronic toxic stress and secondary traumatic stress potentially increasing the incidence of suicide amongst nurses;

(b) A confidential and standardized pathway to care for nurses that addresses screening, assessing, safety planning, referrals and follow-up for nurses at risk for suicide;

(c) Systems of care, evidence-informed approaches, and best practices to reduce suicide rates; and

(d) Ethical legal considerations of caring for patients/nurses who are suicidal.

(4) Implicit bias topics shall include:

(a) The impact of historical racism and other forms of invidious discrimination on the provisions of healthcare;

(b) Methods of evaluation the presence and extent of implicit bias; and

(c) Measures that can be taken to reduce implicit bias.

JESSICA WILSON, President

APPROVED BY AGENCY: June 17, 2021

FILED WITH LRC: July 14, 2021 at 9:12 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, September 21, 2021 at 10:00 a.m. (EDT) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing five work-days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until end of day (11:59 p.m. EDT) Thursday, September 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jeffrey R. Prather, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 338-2851, email Jeffrey.Prather@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jeffrey R. Prather

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets standards for curriculum in prelicensure programs of nursing education.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because of KRS 314.111.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing standards for curriculum in prelicensure programs of nursing education.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing standards for curriculum in prelicensure programs of nursing education.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: It clarifies how and when external examinations may be used by a program of nursing, and it identifies domestic violence, suicide prevention, and implicit bias as required curriculum for all Kentucky based programs of prelicensure RN and LPN education.

(b) The necessity of the amendment to the administrative regulation: The necessity of suicide prevention education in nursing curriculum is supported by recent landmark studies that establish that nurse suicide rates are higher than the general population in the United States (males = 33/100,000 vs 27/100,000; females = 10/100,000 vs 7/100,000). Davidson, J.E., et al., A Longitudinal Analysis of Nurse Suicide in the United States (2005–2016), *Worldviews on Evidence-Based Nursing*, 17: 6-15. doi:10.1111/wvn.12419 (2020). Domestic violence training is already mandated at KRS 194A.540(9). The need for nursing curriculum on the subject of implicit bias is demonstrated in a May 2021 report from the National Academies of Sciences, Engineering, and Medicine 2021. *The Future of Nursing 2020-2030: Charting a Path to Achieve Health Equity*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/25982>. The absolute proscription on the use of external examinations in determinations regarding progression or graduation, which is in the version of the regulation that became effective on February 4, 2021, deprives nursing educators of a valuable educational tool. Based on stakeholder input and a reexamination of the usefulness of external examinations in preparing future nurses for practice readiness, the Board has determined that external examinations should be permitted in nursing education, subject to the limitation that they not for more than a 10% component of a course grade. It is noted that some programs of nursing education have two requirements for progression or graduation: (1) a passing overall course grade; and (2) a separate requirement that the student attain or exceed a specific score on averaged total on all exams in a course. The Board has determined that a student results on external exams should not be a factor with regard to a requirement that the student attain or exceed a specific average score on all exams in a course.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the authorizing statutes by expanding curriculum requirements to include subjects that are a needed component of nursing education. The clarification regarding external exams permits programs of nursing education to use external exams as a tool in nursing education, and guides programs of nursing in their use of such examinations.

(d) How the amendment to the administrative regulation will assist in the effective administration of the statutes: By setting curriculum standards for programs of prelicensure RN and LPN education. It is noted that the amendment eliminates the distinction between customized

and non-customized external exams, as the proposed definition is premised solely on the involvement of persons or entities other than the educational institution and its faculty in the development of a testing instrument. The Board has also defined external exams to include quizzes and quiz questions that are developed by persons or entities other than the educational institution and its faculty. A school that utilizes external exams as a factor in determining progression or graduation must fully and accurately describe the grade calculation formula in its course syllabi and academic progression policies. Programs of prelicensure RN and LPN education that comply with these publication rules may require, in a syllabus and academic progression policy, that a student participate in an external exam; however, the schools are prohibited from requiring that all students achieve a specific score on an external examination. Even in the absence of an absolute “cut score” that all students must meet, the utilization of cumulative external exam results for up to 10% of a course grade will undoubtedly prevent progression or graduation for some students. The amendment expands the definition of remediation by indicating that remediation may result in an upward adjustment of student’s course grade, subject to the 10% cap for cumulative external exam results; however, all remediation efforts must be completed in the same semester or quarter as the specific course at issue.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Ninety-five (95) prelicensure programs of nursing, RN and LPN nursing students.

(4) Provide an analysis of how the entities referenced in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment, including:

(a) A detailed explanation of the actions the entities referenced in question (3) will be required to undertake in order to comply with this proposed administrative regulation: They will have to comply with the permitted uses of external examinations. They will have to incorporate domestic violence, implicit bias, and suicide prevention into their educational curriculum for all prelicensure RN and LPN programs.

(b) An estimate of the costs imposed on entities referenced in question (3) in order to comply with this proposed administrative regulation: The costs associated with the development of curriculum on the subjects of domestic violence, implicit bias, and suicide provision will be minimized as a result of the involvement of the Robert Wood Johnson Foundation, the, National Academies of Sciences, Engineering and Medicine, the Kentucky Nurses Action Coalition, the Kentucky Nursing Deans and Directors, the Kentucky Nurses Association, and the Kentucky Cabinet for Health and Family Services. The regulation does not mandate the use of external exams; however, the decision of a school to utilize external exams may result in such costs being imposed upon student. The cost of one such exam, the ATI Comprehensive Predictor, ranges from \$229-329, depending upon the contractual arrangements between the school and ATI, as well as volume pricing that is available when numerous students take the exam.

(c) The benefits that may accrue to the entities referenced in question (3) as a result of compliance: They will be in compliance with the standards. Students will be better prepared for nursing practice through their participation in external exams.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There are no additional initial costs.

(b) On a continuing basis: There are no additional costs on a continuing basis.

(6) Provide the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation or amendment: No increase is needed.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: It does not.

(9) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Nursing.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.131, 314.111(3), 194A.540, 620.020.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? No additional cost

(d) How much will it cost to administer this program for subsequent years? No additional cost

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: No increase or decrease in revenues or expenditures are anticipated as a consequence of the amendment.